

(21)  
10-16-0  
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**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**SHIRLEY A. BANKS-BENNETT,** : **I: CV-01-1241**  
: :  
**Plaintiff** : :  
: :  
**v.** : :  
: :  
**INGRAM MICRO U.S., et al,** : **JUDGE KANE**  
: :  
**Defendants** : :

FILED  
HARRISBURG, PA

OCT 15 2002

**BRIEF IN SUPPORT OF DEFENDANT'S  
MOTION TO STRIKE PLAINTIFF'S  
"MOTION FOR SUMMARY JUDGMENT"**

MARY E. D'ANDREA, CLERK  
Per 9/14  
Deputy Clerk

**I. STATEMENT OF THE CASE**

The Plaintiff is proceeding pro se in this matter. On October 9, 2002, she filed a Motion for Summary Judgment which is virtually unintelligible. Defendant's have moved to strike the Motion for failure to comply with Local Rule 56.1. Specifically, Plaintiff's Motion for Summary Judgment fails to include a "separate, short and concise statement of the material facts, in numbered paragraphs, as to which the moving party contends there is no genuine issue to be tried.

Furthermore, the Motion fails to include in the statement of undisputed material facts references to the parts of the record that support the statements.

**II. CONCLUSION**

Defendant's pray the Court strike the Motion for Summary Judgment and afford to the following relief:

- (1) A case management scheduling conference shall be ordered.
- (2) Plaintiff's Motion for Summary Judgment shall be stricken until such time, without prejudice, Plaintiff's right to file a later summary judgment motion in compliance with Local Rule 56.1.

Respectfully submitted,

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DATE: 10/11/08  
186010.1

**CERTIFICATE OF SERVICE**

I, Susan L. Horstick, Legal Secretary for Thomas, Thomas & Hafer, LLP, hereby certify that a copy of the foregoing document was served upon the following, by enclosing a true and correct copy in an envelope addressed as follows, postage prepaid:

Shirley A. Banks-Bennett  
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**THOMAS, THOMAS & HAFER, LLP**

By: Susan L. Horstick  
SUSAN L. HORSTICK, Legal Secretary

DATED: 10/11/02